

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

V.

NO. 4:15-CR-263

ASHER ABID KHAN

DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE

The defendant, Asher Abid Khan moves this Court to continue the trial date set for December 13, 2016, and the conference dates and deadlines associated with it:

I.

Mr. Khan is charged, *inter alia*, with conspiring and attempting to provide material support to a designated foreign terrorist organization (FTO). The FTO in question is variously described as ISIS or ISIL, acronyms for what is generally described as the Islamic State, an organization in armed conflict with various factions in Syria and portions of Iraq. An entity known as Al Qaeda in Iraq (AQI) was designated as an FTO and had been since the U.S. involvement in Iraq from around 2004. The government contends that AQI and ISIS/ISIL are the essentially the same organization. Mr. Khan contends that they are not. Defense counsel has been working through a growing body of literature on that very issue in anticipation of a likely motion to dismiss. In addition to daily blogs such as <https://www.lawfareblog.com>,

counsel is digesting several recently published books.

To better prepare what may be a dispositive motion on a mixed question of fact and law counsel requests additional time. The government correspondingly will need time to respond. Of course, counsel has suffered the intrusion of numerous other cases into the hours of the day. Counsel starts a week-long wire fraud case on November 7, 2016, and in the past month has traveled for CJA cases to Galveston, Laredo and Beaumont.

II.

The government does not oppose the relief sought by this motion for a continuance.

III.

The law permits a continuance under these grounds under Title 18, United States Code, section 3161(h)(7)(A) and (B)(iv), as an "ends of justice" continuance.

For these reasons the parties request a continuance of trial.

Respectfully submitted,

THOMAS S. BERG

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CERTIFICATE OF SERVICE

I certify that a copy of this motion was served on opposing counsel via
Electronic Case Filing this 4th day of November 2016.

/S/ Thomas S. Berg _____